

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

KEVIN J. WATTS
ADC #657819

PLAINTIFF

V.

4:11CV00176 JLH/JTR

DR. GARY STEWART,
Faulkner County Detention Center

DEFENDANTS

ORDER OF DISMISSAL

Kevin J. Watts is a *pro se*¹ prisoner in the Central Arkansas Community Correction Center. On January 11, 2011, he filed a *pro se* § 1983 Complaint alleging that his constitutional rights were violated while he was confined in the Faulkner County Detention Center (“FCDC”). *See Watts v. Stewart*, 4:11CV00023 SWW/BD (docket entry #2). On January 28, 2011, the Court entered an Order giving Plaintiff thirty days to: (1) either pay the \$350 filing fee or file an Application to Proceed *In Forma Pauperis*; and (2) file an Amended Complaint. *Id.* (docket entry #3).

On February 24, 2011, Plaintiff sent this Court an Application to Proceed *In Forma Pauperis* and a Complaint. Upon receipt, the Clerk’s Office opened a new case, which is the current action.

¹ Plaintiff is hereby notified of his responsibility to comply with Local Rule 5.5(c)(2), which states: “It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.”

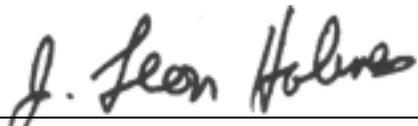
Plaintiff is further notified of 28 U.S.C. § 1915(g), which provides that a prisoner may not proceed with a civil suit *in forma pauperis* “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

However, it appears that Plaintiff wanted his pleadings to be filed in *Watts v. Stewart*, 4:11CV00023 SWW/BD.

IT IS THEREFORE ORDERED THAT:

1. This case is DISMISSED, WITHOUT PREJUDICE.
2. The Clerk is directed to file a copy of the Application to Proceed *In Forma Pauperis* and the Complaint entered in this case as an Application to Proceed *In Forma Pauperis* and an Amended Complaint in *Watts v. Stewart*; 4:11CV00023 SWW/BD.
3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 3rd day of March, 2011.


UNITED STATES DISTRICT JUDGE